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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/355,149	03/07/2000	ULF ASSMUS	2345/87	6071
26646	7590	10/13/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			LEE, MICHAEL	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Muntz et al. (5,896,427).

Regarding claims 1, 2, 3, Muntz discloses an ATM receiving device (Figure 6) showing a network reference clock (614), and a FIFO memory device (620). The network reference clock is independent of the source data 618.

Regarding claim 5, see col. 6, lines 45-48.

Regarding claim 6, the receiving device in Figure 4, being similar to the one in Figure 6, includes a means for adjusting the received data stream to the clock rate of the clock provided (see timing control stage 404).

Regarding claim 7, see col. 2, lines 65-68.

Regarding claim 8, the network reference clock 414 meets the external normal clock as claimed.

Regarding claim 9, the cell/packet receiver 616 meets the switchover device as claimed.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muntz et al. (5,896,427).

Regarding claim 4, Muntz does not specify the storage period as claimed. The examiner takes Official Notice that the data FIFO memory 620 in Muntz can be configured to store data in any time period to compensate any transmission delay. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to configure the FIFO memory 620 to delay data in the time period as claimed.

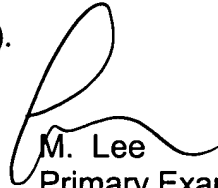
***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M. Lee  
Primary Examiner  
Art Unit 2614